

**NOT FOR PUBLICATION**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

NAUTILUS INSURANCE COMPANY,

Plaintiff,

v.

NICOLE DUFAULT, ISAAH ZIYAMBE-FREEMAN, UCHECHI IKE, MATTHEW DERILUS, ISAAH GAVIN, ORMOND SIMPKINS, FRANKIE JEROME, BRANDON HAYES, and JOHN DOES 1-10,

Defendants.

Civil Action No.: 22-cv-836

**ORDER**

**CECCHI, District Judge.**

This matter comes before the Court on Plaintiff Nautilus Insurance Company's ("Plaintiff" or "Nautilus"): (1) motion for summary judgment seeking a declaration that it is not obligated to defend or indemnify Defendant Nicole Dufault ("Defendant" or "Dufault") in several underlying civil lawsuits (ECF No. 28); and (2) motion for default judgment against defendants Matthew Derilus, Isaiah Gavin, Ormond Simpkins, Frankie Jerome, Brandon Hayes, Isaiah Ziyambe-Freeman, and Uchechi Ike (collectively, the "Default Defendants" or "Underlying Plaintiffs") (ECF No. 34). Defendant filed a letter in opposition to Plaintiff's summary judgment motion (ECF No. 30), and Plaintiff replied in support of its motion (ECF No. 29). The Default Defendants did not respond to Plaintiff's motion for default judgment. The Court has considered the submissions made in support of and in opposition to the motions and decides the motions without oral argument pursuant to Fed. R. Civ. P. 78(b). For the reasons set forth in the accompanying Opinion,

**IT IS** on this 9th day of March, 2023,

**ORDERED** that Plaintiff's Motion for Summary Judgment (ECF No. 28) seeking a declaratory judgment against Defendant Nicole Dufault is granted; and it is further

**ORDERED** that Plaintiff's Motion for Default Judgment (ECF No. 34) against Default Defendants Derilus, Gavin, Simpkins, Jerome, Hayes, Ziyambe-Freeman, and Ike, is granted; and it is finally

**ORDERED** that Plaintiff does not have a duty to defend or indemnify Defendant Nicole Dufault in the underlying civil lawsuits brought against her by Default Defendants.

**SO ORDERED.**

s/ Claire C. Cecchi

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**CLAIRE C. CECCHI, U.S.D.J.**